fundamental beauty of our nation is its adaptability. I do not propose to say more. I respectfully request all the members to give their unanimous support to this resolution.

Amendment put and carried.

Resolution, as amended, also put and carried.

Dr. A. R. Menon.—A poll, Sir.

The House divided—Ayes 17 and Noes 15

	Ayes.		Noes.
1	Mr. K. Ayyappan	1	Mr. K. Achyuta Menon
2	,, M. A. Chakko	2	,, M. P. Cherian
3	,, George Chakyamuri	3	,, U. Kandar Menon
4	Dr. A. G. Menon	4	,, P. Krishna Menon
5	Mr. Joseph Pettah	5	,, M. Krishna Menon
6	,, P. S. Kesavan Nambudiri	6	,, C. J. Mathew
7	,, T. K. Nayar	7	,, M. D. Narayana Ayyar
8	,, P. Kumaran Ezhuthassan	8	,, T. Narayana Menon
9	,, S. S. Koder	9	,, P. Nilakanta Menon
10	,, A. I. Mani	10	Dr D Raghavendra Rao
11	,, Paul Mampilli	11	Rama Varmha Tampuran
12	,, P. Raman Menon	12	Mr. T. A. Ramachandra Ayyar
13	,, M. K. Raman	13	,, P. V. Raphael
14	Dr. A. R. Menon	14	,, A. Sankara Poduval
15	Mr. A. Sankara Menon	15	,, P. V. Subramania Ayyar
16	Mrs. Swaris		
17	Mr. K. P. Vallon		

3. Charge-sheeting cases of ill-treatment of Harijans.

Mr. M. K. Raman.—I beg leave to move the following Resolution :—"This Council recommends to the Government to issue orders to the police officers who are entitled to charge-sheet cases that any case of ill-treatment of or insult to the Harijans in the State by other caste-men, found to be true on investigation, be forthwith charge-sheeted, irrespective of the fact that such offences are cognisable or not, obtaining wherever necessary the sanction of the Magistrate as provided by the law".

I shall just explain my resolution because there are some technicalities in it. According to the existing law, the police officers are allowed to charge-sheet only certain classes of offences. They are known as cognisable offences, such as, murder, theft, etc. In the case of such offences the police officers have *Suo moto* the right to charge-sheet cases; but there are some other offences such as assault, simple hurt, etc., which the police officers are not entitled to charge-sheet. They have to take the permission of the Magistrate if they are to charge such cases. They have also to obtain warrant from the Magistrates for the arrest of such offenders. The party aggrieved has therefore to go to the court direct and not to the Police. In the case of the depressed classes people also when a person,

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who has been subjected to that sort of ill-treatment, wants to make a complaint, he will have to go before the courtand put formal complaint. Naturally he will have to meet all sorts of expenses in respect of his complaint. He will have to deposit batta in the court, the money for the witnesses' expenses and engage his own vakil. In the case of rich persons it may be possible. But the depressed class man cannot afford to spend for it. He naturally seeks the aid of the police. But the police would not take it up because it is not a cognisable case. Besides, the poor depressed class man may not be in a position to get witnesses. The witnesses may not remain steady. If the police takes up the complaint and if after investigation the police officer finds that the case is true he will naturally get witnesses and all the trouble and expenses accidental to a prosecution will be meeted out by the Government. In the course of the police investigation, they will come across witnesses. In such cases, my request is that the police officers may be permitted to charge-sheet the cases and conduct them for the depressed class men *i. e.* instead of the depressed class man himself putting in a complaint and citing witnesses and incurring all the incidental expenditure, the police may be asked to conduct the cases on behalf of the depressed classes. When the case is non-cognisable, the Magistrate may be requested to accord sanction and the charge-sheet may be laid after obtaining the necessary sanction. If the accused has to be arrested the police may request the Magistrate for a warrant and the accused can be apprehended. I understand that the police officers are doing this now in some cases. I want to make it universal. The depressed class man has been considered to be akin to some inanimate object hitherto. When people know that the Government has taken up this into their serious consideration and the police officers will investigate their cases and charge-sheet them, there will be some fear in the mind of the people and consequently this will lessen the ill-treatment. No doubt, the cases will be charge-sheeted only if after investigation they are found to be true. If they are not true the police officers, of course, will not charge the cases. Now this will help the depressed class man to some extent and he will be able to walk more freely in the public roads hereafter. I leave the resolution for the unanimous acceptance of the House.

Mr. M. A. Chakko.—I second it.

Dr. A. R. Menon.—It is a very funny resolution.

"This Council recommends to the Government to issue orders to the police officers who are entitled to charge-sheet cases that any case of ill-treatment of or insult to the Harijans in the State by other caste-men, etc." Therefore, there is no objection if they are assaulted by Christians, Mussalmans and others.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. M. K. Raman.—I meant all other castes.

Dr. A. R. Menon.—The other funny part of it is distinction between cognisable and non-cognisable offence.

Mr. A. Sankara Poduval.—I cannot see any point in this resolution, because indigent men are plenty even in other communities. When they are ill-treated, necessary action is taken. The police see to it. The resolution is very funny since it wants to safeguard the interests of a particular community against attacks by others. Suppose a Pulaya belabours another Pulaya. Then such help is not wanted. This is carrying our sympathy towards the depressed classes to an undesirable extent. If the resolution be accepted changes will have to be made in the Law, in favour of communalism. I do not think any such drastic and partial amendments are called for.

Mr. P. Nilakanta Menon.—I rise to oppose this resolution. But it must be clearly understood that the opposition is not due to want of sympathy with the resolution. In fact we are doing whatever that is possible in the matter consistent with the provisions of the Civil Procedure Code. There is no necessity for such a resolution because the provisions in the Code are ample and adequate to meet the cases contemplated by the resolution and as the Hon'ble mover has said, in the case of cognisable offences the officer in charge of the Station is bound to investigate and charge the cases when there is sufficient reason to do so. But with regard to non-cognisable cases what the officer in charge of the Station generally does is that he refers the complainant to the Magistrate. But recently special consideration is being shown to the depressed classes in such cases. I have issued instructions to the Station officers to obtain permission from the Magistrates to investigate all non-cognisable cases in which the members of the depressed classes happen to be the complainants and to charge-sheet the cases in the usual way. But in practice I find that our efforts are fruitless. The time and labour spent by the police officers in investigating such cases and charge-sheeting them have been wasted because the complainants behind the back of the police officer compromise such cases by getting money from the accused. More than 75 per cent of these cases end in compromise. So I would request the Hon'ble mover to advise these people not to compromise their cases as by doing so the very object of the prosecution is defeated. If the Hon'ble Member wants to amend the law, we will be introducing communalism into the temple of justice. That is the only place free from communalism now. Practically all that is possible is being done consistent with the provisions of the Code and so I submit there is no necessity for the issue of

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a Government order as desired by the Hon'ble mover. That is all what I have to say in this matter.

Mr. M. A. Chakko.—I seconded this resolution and waited to know what the Government view about this matter was. I am glad to know that the Commissioner of Police is in spirit with the mover of the resolution. Only he does not want the Government to send an order; but he will himself send the orders. The prayer of the mover of the resolution or the suggestion or the request brought forward by this resolution is that Government should issue orders to the police officers. The Hon'ble Commissioner of Police says that he will send the orders. Whoever sends the orders, the result of the orders will be the same. It is a matter where the public will have greater satisfaction in seeing that the Government issues orders rather than the Commissioner does it, because the orders of the Commissioner will not be so very well recognized or known to the public as a sort of claim or right to have their matter properly enquired into. Of course the Commissioner's order is in a way at the instance of the Government itself. But what is got from the Government direct is relished better than got second hand.

The second point which the Hon'ble the Commissioner mentioned is that the police officers have a sort of disgust about this matter because many of the cases end in compromise. That is exactly what the public wants, rather than send a few people to jail or to mulct a few people to swell the coffers of the Government. We want redress of the grievances of the party injured. If he gets satisfaction outside the court everybody must be glad. Here is not a moral delinquency of the first magnitude as should be regarded as unwholesome to be allowed to be compromised. By the Criminal Procedure Code certain offences are deemed fit for compromise or for compounding, while certain others are non-compoundable. That distinction is made with some definite purpose. To insult or hurt a depressed class man should not be made non-compoundable. If it is brought into the other category as non-compoundable, perhaps, the Commissioner of Police may not have any objection to make it cognisable also or temporarily cognisable by the order of the Government, rather than by the order of the Magistrate. That objection should not stand against the mover's proposition to have an order passed by the Government. I may also state that the classification of offences as cognisable and non-cognisable is very arbitrary. It is perhaps for the purpose of limiting the scope of work of the police who are to mind more about the preservation of life, limb and property. If every small matter in made cognisable the police will have much more work than

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they could legitimately be expected to do. To restrict the work of the police the legislature has made certain offences non-cognisable and placed it in the province of the Magistracy and those are to go to the Magistrate. What the Hon'ble mover wants is certain offences which pertain to a particular class of people who are called depressed classes may be taken from that class which is non-cognisable and put into the class of cognisable by an order of the Government, so that the police with their legitimate duties of the preservation of life, limb and property may pay special attention to the injuries sustained by the depressed class people. Therefore there cannot be any great practical difficulty unless the Police Department is very particular about statistics, i. e., crimes registered so much, crimes charged so much and convicted so much. It may go against police efficiency to say that so many cases charged have not ended in conviction. An exception may be made here also. There are some technical difficulties, no doubt about the police going out of their way. But I think a line is chalked out for them. For instance, "any case of ill-treatment of or insult to the Harijans in the State by other caste-men found to be true on investigation". There comes the rub. How can they investigate this question? To investigate they must register a case and to register a case it must be cognisable. And you are to charge-sheet only when found true on investigation. All cases if found true must be charge-sheeted. What does the mover want? They must be allowed to have the benefit of the exemption of the Stamp Regulation as in the matter of the cognisable offences, without making the matter cognisable. For all these reasons I think it will be well to recommend this resolution for the acceptance of the House, and to recommend that an order be given by the Government and thus made a little stronger by having that very same matter made the subject of the Government order. For these reasons I seconded the resolution and I support it.

മിസ്റ്റർ കെ അയ്യപ്പൻ.—ശവമ്മെണ്ടിനു് സ്വീകരിക്കാവുന്ന നിശ്ചയങ്ങളെക്കുടി അവർ എതിക്കുന്നതു കഷ്ടമാണു്. ഈ നിശ്ചയത്തിൽ പറയുന്നകാര്യം ഇപ്പോഴം നടക്കുന്നുണ്ടെന്നു് കമ്മീഷണർ പറയുന്ന സ്ഥിതിക്കു് നിശ്ചയം സ്വീകരിച്ചാലെന്താണു് വിഷമം. പോലീസു് മാജ്ജുചെയ്ത കേസുകളിൽ വച്ചു ശതമാനത്തിലും അധികതവാദികൾ പ്രതികളിൽനിന്നും പ്രതിഫലംവാങ്ങി മാറിക്കളഞ്ഞു എന്നാണു് അദ്ദേഹം പറയുന്നതു്. നാലോ അഞ്ചോ കേസുകൾവച്ചു് ശതമാനക്കണക്കു് എടുക്കുന്നതു് അബദ്ധമായിരിക്കും. അതു് ശരിയായ സ്ഥിതിവിവരം കാണിക്കയില്ല. അധികൃതർ പ

LIBRARY ARCHIVES Kerala Legislative Assembly

ണംവാങ്ങി മറിഞ്ഞു എന്നുപറഞ്ഞതിലും പരമാർത്ഥം ഉണ്ടായിരിക്കയില്ല. പണം വാങ്ങിയതു് പോലീസുകാർ അധഃകൃതരെ മറിച്ചതായിരിക്കാനാണിടം. അഥവാ അധഃകൃതർ പണംവാങ്ങി മറിഞ്ഞു എന്നിരുന്നാൽതന്നെയും അതും തീരെ നഷ്ടപ്രയോജനമാകുന്നില്ല. പണം ചിലവാകുമെന്ന ഭയമെങ്കിലും അക്രമികൾക്കുണ്ടാകുമല്ലൊ?

ദരിദ്രന്മാർ മറ്റു സമുദായങ്ങളിലും ഉള്ളതുകൊണ്ടു് അധഃകൃതരെസംബന്ധിച്ചുമാത്രം നിശ്ചയത്തിൽ പറയുന്ന സൌകര്യം ഉണ്ടാക്കുന്നതെന്തിനു് എന്നു തുടുവപേരൂർ മെമ്പർ ചോദിക്കുന്നു. അധഃകൃത ദരിദ്രന്മാർക്കു ദാരിദ്ര്യമാത്രമല്ല അധഃകൃതത്വംകൂടിയുള്ളതാണു് അവരുടെ പ്രത്യേക വിഷമം. അധഃകൃതത്വംകൊണ്ടാണു അവർക്കു് അധികവും പീഡനം നേരിടുന്നതു്. ആ പീഡനം മറ്റു ദരിദ്രന്മാർക്കുണ്ടാകുന്നില്ല.

Other caste-men എന്നതിനു് അവകാരകൻ ഉദ്ദേശിച്ചിരിക്കുന്ന അർത്ഥം ജാതിഹിന്തുക്കൾ എന്നാണെങ്കിൽ ആ പദംമാറ്റി മറ്റു സമുദായക്കാരെല്ലാം ഉൾപ്പെടത്തക്ക പദം വെക്കണം ജാതിഹിന്തുക്കളിൽനിന്നല്ല അധഃകൃതർക്കു് അടിഅധികം കിട്ടുന്നതു്. ജാതിഹിന്തുക്കൾ തല്ലുന്നകാര്യത്തിൽ കുറെ പിന്നോക്കമാണു്. അവർക്കു് അധഃകൃതരെ തല്ലിക്കണമെന്നുണ്ടെങ്കിൽ ഈഴവരേയൊ ക്രിസ്ത്യാനികളേയൊ മുസ്ലീമിങ്ങളേയോ കൊണ്ടാണു് അങ്ങിനെ ചെയ്യിക്കുന്നതു്.

മിസ്റ്റർ കെ. പി. വള്ളോൻ.—ഈ നിശ്ചയത്തെ ഞാൻ ബലമായി പിന്താങ്ങുന്നു. ഇതിനെ സംബന്ധിച്ചു് ഞാൻതന്നെ ഒരു resolution ഈ കൌൺസിലിൽ കൊണ്ടുവരികയുണ്ടായിട്ടുണ്ടു്. വാസ്തവത്തിൽ അധഃകൃതരാണു് ഈ മാതിരിയുള്ള മർദ്ദനങ്ങൾ നിമിത്തം സങ്കടം അധികം അനുഭവിക്കുന്നതു്. തല്ലുകൊള്ളുന്നവരിൽ ഏതാണ്ടു് നൂറുക്കു് ഒന്നോരണ്ടോ പേരേ കേസുകൊടുപ്പാനുണ്ടാകയുള്ളു. അങ്ങിനെ വന്നാലും അതു് പോലീസ് ഡിപ്പാർട്ടുമെണ്ടിന്റെ അനേഷണത്തിൽ വരുമ്പോൾ ആ സ്ഥലത്തെ വല്ല കായ്സ്ഥന്മാരും പണക്കാരുമുണ്ടെങ്കിൽ അവരോടു യോജിച്ചു് കേസു് ഇല്ലാതാക്കുകയാണു ചെയ്യുന്നതു്. അങ്ങിനെ ചെയ്യുന്നതുകൊണ്ടു് അധഃകൃതക്കു പിന്നെയും പിന്നെയും മർദ്ദനം ഏല്ക്കേണ്ടിവരുന്നു. അതുകൊണ്ടു് ഗവർമ്മെണ്ടു് ഈ കാര്യത്തിൽ ഒരു നിബ്ബന്ധം വയ്ക്കണം. അധഃകൃതർ കഷ്ടപ്പെടുന്നതുകൊണ്ടാണു് ഈവക കാര്യങ്ങൾ കൌൺസിലിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നതു്. ഇതു കൂടാതെ ഞാൻ തന്നെ പല സംഗതികളും അറിഞ്ഞു് കമ്മീഷണർ അവർകൾക്കു് എഴുതിയയച്ചിട്ടുണ്ടു്. അദ്ദേഹം ഏതാണ്ടു് അതിനു നിവാരണമുണ്ടാക്കുമെന്നുമുണ്ടു്. എന്നാൽ ഈ കേസന്വേഷണത്തിനായി വരുന്ന പോലീസുകാർ മുഴുവനും ഇമ്മാതിരിയുള്ള സ

LIBRARY ARCHIVES Kerala Legislative Assembly

സ്വതായക്കാരാണൊ എന്നു തോന്നിപ്പോകുന്നു. ഒരു പൊലീസുകാരൻ ഒരു ദിക്കിൽ ഒരു തവണ ചെന്നു കൈക്കൂലി വാങ്ങിക്കൊണ്ടു മടങ്ങിപോന്നാൽ കായ്യം അറിഞ്ഞു അവിടേയുള്ളവർ പിന്നെയും മേൽമീൽ പരിയ്യുകയാണു ചെയ്യുന്നതു്. അതുകൊണ്ടു് സാധുക്കൾക്കു വളരെ കഷ്ടപ്പാടുണ്ടാകുന്നുണ്ടു്. ഈ കായ്യം ശവമ്മെണ്ടു് നല്ലപോലെ ശ്രദ്ധിച്ചു് അധികൃതരുടെ നന്മക്കുവേണ്ടികഴിയുന്ന സഹായങ്ങാം ചെയ്യണമെന്നുള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഇതിനെ ബലമായി പിന്താങ്ങുന്നു.

Mr. M. K. Raman.—Sir, in the reply given by the Hon'ble Member for Police, I do not think he has answered my point at all. My point is that the depressed class people are unable to persecute cases, even if they suffer injury, for want of money and want of influence. So I requested the Government to help them. Of course, when they go to the Police Officers, the Police Officers will ask them to go to the Magistrate. It will not be possible for them to prove their case or engage Vakils or adduce evidence. It is to save them from all these difficulties that I wanted the police officers to investigate these cases and if found true, on investigation, to charge-sheet such cases. Whenever necessary the police may take the sanction of the Magistrates. The Police Commissioner, no doubt, has actually put this into practice. I do not understand why he should have any objection to make it more universal.

Another objection that was raised by the Police Commissioner was that after the cases are charge-sheeted, they are compromised. That objection is not applicable to these cases alone. Many of the offences charged by the police are compromised. The police officers themselves sometimes use their influence for compromise. There is nothing wrong in compounding a compoundable offence. That objection, therefore, is not applicable to these cases only. As was pointed out by the Hon'ble Member for Vellarappilli, the police officers should not be very sensitive about their statistics. The Government has to give the Harijans some help especially when they are ill-treated by other caste people. I laid particular emphasis on other caste men. But I never meant them to be caste-Hindus only. As was mentioned by the Hon'ble Member for South Ezhuvas, it is not the caste-Hindus who give the blow generally. Even if the caste-Hindu wants to do that, he engages some other agency. He has got the brain and the cunningness to set in motion other people. Another question was asked what if they are ill-treated by their own caste men? Such fights also there may be. It may not be proper to ask the police to investigate all such offences also. Generally the depressed classes are ill-treated on account of their caste. Invariably 90

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per cent of the cases occur out of pollution. The poor man may be walking along the road and the other caste-man may be coming after his bath. He is polluted and the Harijan is ill-treated. The caste-man knows he is only a trifle and he can be dealt with in any way. Therefore I request all the Hon'ble Members of this House to unanimously support this resolution.

Resolution put and negatived.

Mr. M. K. Raman.—A poll, Sir,

The House divided—Ayes 4 and noes 13.

Ayes.	Noes.
1. Mr. K. Ayyappan	1 Mr. K. Achyuta Menon
2. ,, M. A. Chakko	2 ,, M. P. Cherian
3. ,, M. K. Raman	3 ,, U. Kandar Menon
4. ,, K. P. Vallon	4 ,, P. Krishna Menon
	5 ,, C. J. Mathew
	6 ,, M. D. Narayana Ayyar
	7 ,, T. Narayana Menon
	8 ,, P. Nilakanta Menon
	9 Dr. D. Raghavendra Rao
	10 Rama Varma Tampuran
	11 Mr. P. V. Raphael
	12 ,, P. V. Subramania Ayyar
	13. ,, A. Sankara Poduval

Mr. K. Ayyappan.—We have a non-official majority.

As the mover was absent the following resolution was considered withdrawn :

Mr K. T. Mathew.—"This Council requests the Government to introduce in the Legislative Council a Local Option Bill.

4. Appointments in the depressed class students' Hostel.

മിസ്റ്റർ കെ. പി. വള്ളോൻ.—അധഃകൃത വിദ്യാർത്ഥികൾക്കുവേണ്ടി തുടങ്ങുവാൻ പോകുന്ന ഹോസ്റ്റലിൽ മാനേജർ തുടങ്ങിയുള്ള ഉദ്യോഗം അധഃകൃതർക്കുതന്നെ കൊടുക്കേണ്ടതാണെന്നു് ഈ സഭ ഗവർമ്മെണ്ടിനോടു അഭ്യർത്ഥിക്കുന്നു. ഈ നിശ്ചയത്തെ എങ്കിലും ഗവർമ്മെണ്ടു് ദയവായി സ്വീകരിയ്ക്കണമെന്നപേക്ഷിച്ചുകൊള്ളുന്നു. ഗവർമ്മെണ്ടുദ്യോഗങ്ങളിൽ അധഃകൃതരെ നിയമിക്കണമെന്നാവശ്യപ്പെടുമ്പോൾ അതിനു പല ഒഴികഴിവുകൾ പറവാൻ ഉണ്ടാകും. ഇതൊക്കെ അന്യന്റെ കയ്യിൽ ഏല്പിക്കുമ്പോൾ ഞങ്ങൾക്കുണ്ടാകുന്ന ഉപദ്രവം കൊണ്ടാണു് അധഃകൃതർക്കു തന്നെ കിട്ടണമെന്നു പറയുന്നതു്. ഇതുവഴി കിട്ടിയതുകൊണ്ടു് വലിയ കാര്യമൊന്നുമുണ്ടാകാനില്ല. അന്യന്മാരെ നിയമിക്കുന്നതുകൊണ്ടു് അവരിൽ പലരും പല ബുദ്ധിമുട്ടുകളും അനുഭവിക്കുന്നവരുണ്ടു്. അതിനെ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ മാലക്കുടിയിലുള്ള അധഃകൃത കാളനായിലെ മാനേജർ ഉദ്യോഗം ഒഴിവു വന്നപ്പോൾ അതിനു് ഒരധഃകൃതനെ നിയമിക്കണമെന്നും, ചെറിയ ചെറിയ ഉദ്യോഗങ്ങൾ അധഃകൃതർക്കുതന്നെ കൊടുക്കണമെന്നും സംരക്ഷകനോടു പലതവണയും ആവശ്യപ്പെടുകയും എഴുതി അയക്കുകയും

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